

Honorable Judge Kathy A. Surratt-States
United States Bankruptcy Court
Eastern District of Missouri
111 S. 10th St., 4th Floor, Clerk's Office
St. Louis, MO 63102
Case: Double Helix Corporation
Case # 25-40745

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EASTERN DISTRICT
ST LOUIS, MISSOURI

April 28, 2025

Dear Your Honor:

Thank you for your service to our community, and for this opportunity to register my thoughts on this case.

Your Honor is facing some serious decisions about how broadly to investigate the prior actions of KDHX management and its board. For example, if there is evidence of fraud, dishonesty, incompetence or gross mismanagement, or the dereliction of fiduciary duty by the board, should the bankruptcy filing and intended sale of KDHX assets be nullified? Would that suggest a trustee be appointed by the Court so that the interests of all parties are represented? By its nature, a community radio station has a wide range of valued stakeholders, well beyond creditors.

That brings to mind the remarkable lack of any case-law to guide the Court. This means you will be setting a precedent that will reverberate for decades to come. The key question is whether members of the community who have given years of their lives and sweat equity "have standing." The opposing counsel has declared several times he does not believe we have standing. But he is not a legislator. Not a judge. Not a jury. There is no precedent. He is an attorney advocating for his client and doing his best to control both the narrative and the definitions within it.

I contend in a case such as ours, one that involves a non-commercial, non-profit, community station (as permitted by the FCC) the community members are indeed stakeholders with standing. But because they are volunteers, they and their "ownership" of KDHX is not accounted for in the

usual bankruptcy court creditor filings. That doesn't make their stake in the enterprise any less real or valuable.

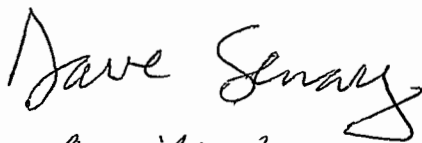
Let me give you one example: Fired DJ Rich Reese devoted 10 hours a week to prepare his two-hour weekly show, and did so for 15 years. That's over 9,000 hours of his life given to build KDHX and help it thrive. What's the "life value" of his time, never mind his labor and dedication? And there are about 100 other ex-DJs like him watching with anticipation.

Donors and listeners, who were stripped of their board representation in 2018, provided \$818,388 in 2022 alone. Imagine 38 years of such support from "the little guy" who sacrificed some creature comfort to fund his or her gift. Again, not on the creditors list, but a debt is owed if we're keeping any kind of fair score.

And finally, if KDHX is sold and relegated to an internet only platform, it will leave behind half its audience. It's well documented that 50 percent of the region either has no access to or cannot afford broadband. And you can bet that 90 percent of that 50 percent are people who are under-represented, people who embody a key audience for a community radio station. What is the value of their loss of their daily companion at 88.1 on the FM dial? That will never hit the scorecard, either, but it should.

Thank you for your consideration, Your Honor.

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April 28, 2025

P.S. If it matters, I am not a lawyer and I have no connection to KDHX other than as a concerned listener and interested volunteer. I am the retired CEO of St. Louis-based global communications firm FleishmanHillard. I served two terms as the Chairman of the primary agency trade group, The PR Council, during which we sponsored and published "*Ethics as Culture*," which became an industry standard for organizational governance.